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Newark / Philadelphia

October 1, 2025

VIA EMAIL & ECF

Hon. Douglas E. Arpert, U.S.M.J. (Ret.)
Three Gateway Center
100 Mulberry Street, 15th Floor
Newark, New Jersey 07102

**Re: *United States ex rel. Silbersher v. Janssen Biotech Inc., et al.*,
Civil Action No. 19-12107 (MEF-SDA)
Motion for Leave to File Responsive Expert Reports (ECF 446)**

Dear Judge Arpert:

We attach and submit for your consideration two proposed supplemental reports Relator requests permission to serve relating to his Motion for Leave to File Responsive Expert Reports (ECF 446). **Exhibits A** and **B** are the proposed responsive reports from Hal J. Singer, Ph.D. and Mr. Jon Edward Clark, M.S., respectively. Both responsive reports address certain new matter in the rebuttal reports relating to the calculation of damages submitted by Dr. Richard A. Mortimer (Exhibit 10 in ECF 447) and Mr. Martin Shimer (Exhibit 11 in ECF 447). As Your Honor may recall, Dr. Mortimer calculates damages based on proposed alternative dates of generic entry provided for the first time in Mr. Shimer's rebuttal report.

Relator has decided not to submit any other supplemental reports responding to Defendants' other rebuttal experts, but reserves the right generally to refute the opinions provided by them, and to move to exclude the testimony at an appropriate time.

In light of this, Relator respectfully submits the Court should grant leave for Relator to serve the proposed supplemental reports offered by Dr. Singer and Mr. Clark, and if Defendants have any objections, they should raise them through *Daubert* motions, which we note are due on November 6, 2025. (ECF 213, at 2 (*Daubert* motions must be served four weeks from close of expert discovery, which we believe is currently October 7, 2024, pursuant to ECF Nos. 213, 421, and 442.))

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Finally, although Relator believes that Defendants are not entitled to a second deposition of Dr. Singer and Mr. Clark, *see Mylan Pharms. Inc. v. Teva Pharms. Indus. Ltd. Teva Pharms. USA, Inc. (In re Copaxone Antitrust Litig.)*, 2024 WL 5203037, at *3 n.1 (D.N.J. Nov. 25, 2024), nevertheless, we will offer Dr. Singer and Mr. Clark for a second expert deposition this month limited solely to their responsive supplemental reports, so long as no other deadlines are extended.

Respectfully,

/s/ Bruce D. Greenberg

Bruce D. Greenberg

BDG:emp
Enclosures
cc: All Counsel (via ECF & email)